

SPECIFIC WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
SEPTEMBER 2003 AGENDA
Item No. W-13

TITLE: Request by Cold Springs Elementary School District for a retroactive waiver of <i>Education Code</i> (EC) Section 60119 regarding Annual Public Hearing on the availability of textbooks or instructional materials. The district had an audit finding for fiscal year 2001-2002 that they failed to do the proper board “resolution” with their public hearing.	<u>X</u> ACTION <u> </u> INFORMATION <u> </u> PUBLIC HEARING <u> </u> CONSENT
CDSIS: 40-4-2003	

RECOMMENDATION: The Department recommends: ☒ **APPROVAL**, on the condition that the district agrees to the purchase of the current History Social Science adopted material with the first available funds. Since this is the second time this waiver has been granted, future waivers of this type will most likely be recommended for denial.

Summary of Previous State Board of Education Discussion and Action:

The State Board of Education (SBE) has heard and approved a policy developed by the department on Instructional Materials Sufficiency Waivers of Retroactive audit findings. However, this district has previously received a waiver of this same EC requirement in a prior year, and attachments to this waiver revealed that it **did not have sufficient “instructional materials in each subject area that are consistent with the content and cycle of the curriculum frameworks adopted by the State Board”** (in 2001-02) for each pupil in each school in the district. Much of this deficiency has now been remedied, however, this waiver **must go to the action calendar** for the SBE’s agenda.

Summary of Key Issue(s):

During an audit for fiscal year 2001-2002, it was discovered that Cold Springs Elementary School District, although they held the public hearing for notice of sufficiency of instructional materials as required by EC Section 60119, they did not adopt a “Board Resolution” as required. In the documentation provided with the waiver, it was evidenced that the district was not within the intent of the law on the issue of the materials being **“consistent with the content and cycle of the curriculum framework adopted by the Board.”** The new Superintendent/Principal started in February 2002 and has been working to bring all textbooks up to the level needed since that time.

In addition the school had an **audit finding in the 1999-2000 fiscal year for not having held the hearing at all**. That waiver was approved on the “consent calendar” under the SBE Waiver policy for EC Section 60119 waivers.

However, it should be noted that the district has a 2002 Base API of 911, and a ranking of 10/8, and even in 1999 had a base API of 909. So, clearly these students are meeting the state standards in ALL academic areas.

The district then held a public hearing within the guidelines of EC Section 60119 at their Public Hearing and resolution for the 2002-2003 year, held on Dec 12, 2002, and determined that it had sufficient texts, however the NEW instructional materials for **social studies** were yet to be purchased, although **all other instructional materials are now up to date**.

The district has made great strides in this area, is now doing the “Board Resolution” as well as the legal public hearing the requirements and agrees to comply with EC Section 60119 in the future, and there would be absolutely no benefit to anyone to cause the district to return all of the Schiff-Bustamante and IMF monies for the 2001-2002 fiscal year, a total of **\$17,350**, (which was actually spent on getting the NEW adopted texts!) for a small school district with an ADA of only 162 students.

Therefore, the Department recommends APPROVAL of this waiver, on the condition that the district agrees to the purchase of the current History Social Science adopted material as soon as they have sufficient IMFRP funds. Since this is the second time this waiver has been granted, future waivers of this type will most likely be recommended for denial.

Authority for the waiver: Education Code (EC) Section 41344.3

Effective dates of request: 7/1/01 to 6/30/02 Focal Year

Local Board Approval Date: 12/12/02

Fiscal Analysis (as appropriate): If approved this waiver will relieve district of **\$17,350** in total penalties.

Background Information: Attached.